

FEDERAL BUREAU OF INVESTIGATION
FREEDOM OF INFORMATION/PRIVACY ACTS SECTION
COVER SHEET

SUBJECT: American Civil Liberties Union

RECORDED-45
INDEXED-45

261
123
May 10, 1955

41-190-521
EX-103
Mr. Herbert Monte Levy
Attorney and Counselor at Law
170 Fifth Avenue
New York 10, New York

Dear Herb:

I wish to acknowledge your letter of April 22nd enclosing your memorandum of March 22nd captioned "FBI Interviews." I do appreciate your writing us prior to sending out an official letter because the last sentence of paragraph 4 which reads, "A person who is under surveillance even though an arrest may not be expected is in practice considered to be one whose arrest is contemplated" is not accurate.

This statement is most objectionable and is certainly an inaccurate statement. For example, an individual might appear at a given point where a suspect was scheduled to appear. He might be surveilled a block or two and then to ascertain his identity he might be interviewed briefly, merely to clear the record, and certainly there would be no contemplation of arrest under any consideration. I think it would be most inaccurate to circulate this sentence in its present form.

You will, of course, recall that in each instance where action is initiated the facts are presented either to the U. S. Attorney or Departmental officials and only under the rarest of circumstances would an arrest be made without submitting the facts.

With best wishes,

Sincerely,

L. B. Nichols

Tolson _____
Boardman _____
Nichols _____
Belmont _____
Harbo _____
Mohr _____
Parsons _____
Rosen _____
Tamm _____
Sizoo _____
Winterrowd _____
Tele. Room _____
Holloman _____
Gandy _____

LBN:ptm:jec (3)
515-51
515-51

000895

Senor S 21

Letter L B 71 to Herb

Removed, Attached
to memo to Mr Tolson

WBR

679